

INSTRUCTIONS FOR SUMMARY RELEASE FROM ADMINISTRATION

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in the summary release from administration of an estate.

All forms should be typewritten or legibly printed.

A summary release from administration may be filed if:

- The value of the probate estate is \$5,000 or less and the applicant paid the funeral bill or is obligated to pay the funeral bill, or
- There is a surviving spouse, the assets do not exceed \$45,000, the spouse is entitled to 100% of the family allowance and the funeral bill has been prepaid or the surviving spouse is obligated to pay the funeral bill.

For any other situations, you will need to use other available forms or see a Magistrate.

The following are necessary at the initial filing of a summary release from administration:

- If the decedent created a will, the original will.
- Certified copy of death certificate, if available.
- Receipt of paid funeral bill or, if not available, the funeral bill. **The receipt or funeral bill should indicate who paid the bill or who is the person responsible for payment.**
- Title(s) of automobile(s), bank account numbers, and stock certificate numbers in the estate.
- **A fee is required at the time of filing. Current Court Costs are posted at:**
<https://www.probatect.org/about/general-resources>. Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, certified check (made payable to PROBATE COURT), MasterCard, Discover, or American Express. No personal checks or money orders will be accepted.**

The forms may be obtained from the Issue Desk on the 9th floor of the Probate Court, 230 East 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

Step 1: COMPLETE THE FOLLOWING FORMS	
Self-Representation Form (270.01)	<ul style="list-style-type: none">- Sign and Complete information if you do not have legal representation
Application for Summary Release from Administration (5.10)	<ul style="list-style-type: none">- Complete both sides of this form and have a magistrate, or Notary Public, notarize your acknowledgment.
List of Surviving Spouse, Next of Kin, Legatees & Devisees (1.0)	<ul style="list-style-type: none">- On <i>Form 1.0</i>, list all <i>next of kin</i> (those people who are or would be entitled to inherit <i>if</i> there were no will) on the front. List those people named in the will, if there is one, on Page 2 of Form 1.0.- Be sure to specify <i>complete</i> addresses of all listed.- List all children of the decedent on the <u>front</u> of the form even if the entire estate will go to the surviving spouse.
Certification of Wills on Deposit (1.02)	<ul style="list-style-type: none">- Complete the certification form (1.02), whether or not there was a will on deposit with the court.

Entry Granting Summary Release From Administration (5.11)
- Complete form.
Application for Certificate of Transfer (12.0)
- Complete form if there is real estate included in the form 5.10 (Application for Summary Release from Administration) and there is a surviving spouse but not a will.
Certificate of Transfer (12.1)
- List each beneficiary's name, address, and the fractional interest that beneficiary is receiving from the decedent's estate.
- Complete back of form.
Note: This form must be prepared in duplicate.
STEP 2: REVIEWING OF FORMS
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9 th Floor of Probate Court for a magistrate to be assigned. At this time, the clerk will notarize the application. All forms are then taken to the assigned magistrate for review and approving of the Entry Granting Summary Release From Administration.
STEP 3: FILING OF FORMS WITH CASHIER
In most cases you will need at least 1 certified copy of the pleadings. All forms must then be filed with the cashier who will assign a case number. The cashier at this time will retain all the original papers and certify the copies for you. There is a charge per entry after the first one. If there is real estate included on the 5.10 the cashier will give you back the certified copy of the Certificate of Transfer (12.1) to take to the Auditor's office on the 3 rd floor of the Court Administration Building, 138 E. Court St., Cincinnati, Ohio to start the transfer of the real estate.

Note: If required, Tax Release forms can be obtained from:

Hamilton County Auditor's Office

138 E. Court, Room 501

Cincinnati, OH 45202

(513) 946-4103

(We do not have these forms in the Hamilton County Probate Court).

This packet does not include estate tax return forms. The estate return and Certificate (Form ET-22) can be obtained from the Hamilton County Probate Court if an estate tax return is necessary.



A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.
2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.
3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.
4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.
5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.
6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

Fiduciary/Applicant/Guardian

Typed Printed Name

Address

City/State/Zip

Telephone Number (include area code)

Email

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ESTATE OF _____, DECEASED

CASE NO. _____

CERTIFICATION OF WILLS ON DEPOSIT

Date of Death: _____

THE UNDERSIGNED HAS PERSONALLY EXAMINED THE INDEX OF WILLS DEPOSITED PURSUANT TO R.C. 2107.08 AND CERTIFIES THAT ALL WILLS ON DEPOSIT, REGARDLESS OF THE DATE OF EXECUTION, HAVE BEEN ADMITTED TO PROBATE OR FILED FOR RECORD PURPOSES ONLY. [Supt. Rule 59(A)]

☐ Fiduciary for the Estate

☐ Attorney for the Estate

Attorney Reg No. _____

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

ESTATE OF _____, **DECEASED**

CASE NO. _____

**APPLICATION FOR SUMMARY RELEASE FROM ADMINISTRATION
[R.C. 2113.031]**

Applicant states that decedent died on _____

Decedent's domicile was _____
Street Address

City or Village, or Township if unincorporated area _____ County

Post Office _____ State _____ Zip Code _____

[Check one of the following]

- ☐ The applicant is decedent's surviving spouse entitled to one hundred percent of the allowance for support and decedent's funeral and burial expenses have been prepaid or the surviving spouse has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets does not exceed the \$40,000 allowance for support under R.C. 2106.13(B) plus an amount not exceeding \$5,000.00 for decedent's funeral and burial expenses.
- ☐ The applicant, who is not the surviving spouse, has paid or is obligated in writing to pay decedent's funeral and burial expenses and the value of the assets is the lesser of \$5,000.00 or the amount of decedent's funeral and burial expenses.

Attached hereto is a receipt, contract or other document that confirms the applicant's payment or obligation to pay decedent's funeral and burial expenses or if the applicant is the surviving spouse, the pre-payment receipt, if applicable.

The decedent's surviving spouse, next of kin, legatees, and devisees known to applicant, are listed on the attached Form 1.0.

Applicant states that there are no pending proceedings for the administration of decedent's estate or relief of decedent's estate from administration under R. C. 2113.03.

All known assets with date of death values of the estate are as follows:

- ☐ Motor Vehicles (include year, make, model, body type, manufacturer's vehicle identification number and Certificate of Title number):

_____ \$ _____

CASE NO. _____

- ☐ Accounts maintained by a Financial Institution (include financial institution name and the account's complete identifying number):

_____ \$ _____

- ☐ Stocks and Bonds (include for each stock or bond its serial number, the name of its issuer, the name and address of its transfer agent, and the total number of shares of stocks or bonds):

_____ \$ _____

- ☐ Real estate described in accompanying Form 12.0 Application for Certificate of Transfer and Form 12.1 Certificate of Transfer and date of death value. [Attach verification of value.] \$ _____

- ☐ Other assets and date of death values

_____ \$ _____

Total Assets \$ _____

Applicant requests an order granting summary release.

Attorney for Applicant

Applicant

Typed or Printed Name

Typed or Printed Name

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone Number (include area code)

Phone Number (include area code)

Attorney Registration No.

Signed and acknowledged by the applicant in my presence this _____ day of _____, 20____.

Notary Public/Deputy Clerk

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ESTATE OF _____, DECEASED

CASE NO. _____

ENTRY GRANTING SUMMARY RELEASE FROM ADMINISTRATION
[R.C. 2113.031]

The Court finds that the application by _____, satisfies all requirements of R.C. 2113.031 and therefore summarily releases the estate from administration and directs:

- ☐ The delivery to the applicant of decedent's personal property set forth in the application with the title to that property.
- ☐ That Certificate(s) of Transfer, attached to the application, be issued.

A certified copy of this order together with a certified copy of the application for this order constitutes sufficient authority for a financial institution, corporation or other entity or person referred to in division (A) to (F) of Section 5731.39 of the Revised Code or for a clerk of a Court of Common Pleas to transfer title to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the need for a financial institution, corporation, or other entity or person to be provided a written consent of the tax commissioner prior to delivery, transfer, or payment to the applicant of an asset of the decedent's estate listed in the application.

This order eliminates the duty of all persons to file an Ohio Estate Tax Return exclusively for the assets listed in this application.

Date

Ralph Winkler, Probate Judge